

FILED\*11 APR 7 12:28USDC-ORM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LORI ANN HAYNES,

Plaintiffs,

Civ. No. 11-3046-CL

**TEMPORARY RESTRAINING ORDER**

v.

TD SERVICE COMPANY, FIRST  
FRANKLIN FINANCIAL CORP.,  
RESIDENTIAL CREDIT SERVICES,  
INC., CHRISTOPHER C. DORR,  
LLC, and all other persons or  
parties unknown claiming any  
right, title, lien, or  
interest in the property  
described herein,

Defendants.

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**PANNER, J.**

Plaintiffs seek an ex parte temporary restraining order to enjoin the foreclosure sale of their house. Plaintiffs allege the house is scheduled for a foreclosure sale on April 12, 2011 and

defendant has not complied with the legal requirements for a valid foreclosure. One of the claims pursued is the claim that defendants did not record all assignments of the deed of trust prior to initiating the non-judicial foreclosure at issue.

Considering that MERS is named on the deed of trust at issue, plaintiffs have demonstrated a significant likelihood of success on this claim. See Burgett v. Mortg. Elec. Registration Sys., Inc., 2010 WL 4282105 \*3 (D. Or. Oct. 20, 2010); In re McCoy, 2011 WL 477820 \*3-4 (Bankr. D. Or. Feb. 7, 2011).

Plaintiffs' counsel filed a notarized affidavit demonstrating (unsuccessful) attempts to notify several defendants of the motion for a restraining order.

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Because of the alleged imminent foreclosure sale, I grant plaintiffs' request for a temporary restraining order (#2).

Defendant, and its officers, agents, etc..., and other persons in active concert or participation with defendants, who receive actual notice of this order, are restrained from conducting a foreclosure sale for the following property: 343 B Street, Ashland, Oregon, from this day until Thursday, April 21, 2011, at 10:30 a.m. This court will hold a hearing on whether to issue a preliminary injunction on Thursday, April 21, 2011, at 10:30 a.m., in Medford.

IT IS SO ORDERED.

DATED this 7 day of April, 2011.

A handwritten signature in cursive script, reading "Owen M. Panner", written in black ink. The signature is fluid and stylized, with the first letters of the first and last names being capitalized and prominent.

OWEN M. PANNER  
U.S. DISTRICT JUDGE